



**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**REGULAR MEETING
MINUTES
for
June 25, 2001
Art Pick Council Chamber
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Egson, Garcia, Gardner, Howe, Huerta, and Redsecker

Absent: Commissioners Goldware and Hendrick

Chairperson Howe called the meeting to order at 6:00 p.m.

Ms. Sherron, Admin Clerk, noted corrections to the unapproved minutes for May and the June 14th Special Meeting. Motion was made by Vice-Chair Brewer and seconded by Commissioner Gardner to approve the minutes, as corrected, for the May 2001 monthly meeting, the June 11th and June 14th Special Meetings.

Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT & COMMENTS

EXEC. DIR. WILLIAMS – Thank you. I think you should find all those attached to the agendas and I believe the results are also on the back table up there for the public. They're too lengthy to go through individually, so I'll let any individuals, you know, let them read them themselves.

The next item... There are a number of items that I want to cover this evening. Regarding the investigation of officer-involved shootings...I believe there was a little – or maybe it was a large - misunderstanding, or whatever, after the last meeting with regards to our investigating shootings. We will be doing that as a part of our procedure. That investigation will come and it will be done by our investigator, our contract investigator. That will come after the district attorney has made his determination, the reason being that we don't want to go muckin' around there and mess up a criminal case. This is probably not going to be a criminal case from what everything we've heard and certainly from what the Chief said last time, but this is a precedent setting thing so we don't want to set a bad precedent on that. So that's... This is a monitoring board. That's what we do is monitor their activities and the way they go about their business and that's how we intend to conduct it. For those who would want to have us more aggressive in the investigator field – that's another type of model. That's not us. We'd need to have the ordinance changed to give us that investigator to be able go out there and do that, but that's just not the model that the city officials picked for Riverside and until that model is changed, it's... There may be some times when we want to jump out and do something on our own like that. I don't... You know, it's one of those areas that's going to really need some thinking before we do that. But this is... I think the process we have now of going back and doing an investigation to ensure that theirs was complete and thorough and all that is the way to handle at this point in time. If you wind up that we don't see that it's working that way, well then, maybe we'll look at it, if indeed we have that power.

CHAIRPERSON HOWE – Let me ask you a question.

EXEC. DIR. WILLIAMS – Yes...

CHAIRPERSON HOWE – Has your office selected a private investigating firm?

EXEC. DIR. WILLIAMS – Right. We have. We have.

CHAIRPERSON HOWE – Can you disclose it?

EXEC. DIR. WILLIAMS – Yeah, I could, but I don't remember the name. They're out of county. Yeah, they're out of county.

CHAIRPERSON HOWE – Well, that's what I was mainly concerned with, that it wasn't somebody local.

EXEC. DIR. WILLIAMS – No, they're not local. They're out of county.

COMMISSIONER REDSECKER – Are we going to reduce your comments to the minutes tonight, Phoebe, so that we'll have that on record, what Don just said?

MS. SHERRON – Yes.

COMMISSIONER REDSECKER – Okay. Thank you.

EXEC. DIR. WILLIAMS – The second, speaking of comments, the second item, or third item here is regarding the public comments. It's my understanding that the Commission wants to change up the things we've done a little bit and so, at least for the next couple of meetings, see how it runs, by expanding the public comments from three minutes to five minutes, and having all the comments come at number 5, whether they deal with something on the agenda or not, and then go through the agenda. That's my understanding of the way several of the commissioners want to do it, so I thought we'd try that for a couple times. See how it works. If it works out better than the old way, then that's one thing. If it doesn't, we can always go back to where we were, so...and having comments and discussion on each agenda item like that. Again, this is sort of a... This area's kind of in flux here...

CHAIRPERSON HOWE – This was kind of an informal decision, wasn't it?

EXEC. DIR. WILLIAMS – Yeah. It wasn't a motion or any of this stuff. It was just informal and so we're trying different things out here to see if we can be more effective and everything.

COMMISSIONER REDSECKER – I'd like to make that a motion.

VICE-CHAIR BREWER – Move.

CHAIRPERSON HOWE – Okay, we have a motion on the floor to make this a, well, you move to make it a motion. Is there a second to this?

COMMISSIONER HUERTA – I'll second it for discussion's sake.

CHAIRPERSON HOWE – Alright, it's open for discussion.

VICE-CHAIR BREWER – What's the motion?

COMMISSIONER REDSECKER – The motion is to have the time expanded from three minutes to five, and have the discussion of the people, the public, beforehand on all items, anything that they want to discuss, make that a formal...

CHAIRPERSON HOWE – In other words, they can discuss anything, whether it's on the agenda or not, during this public comment.

COMMISSIONER REDSECKER – That's what my motion is.

CHAIRPERSON HOWE – Any further discussion? Mike?

COMMISSIONER GARDNER – Mr. Chairman, I respectfully would oppose that motion. I think it might make our meetings more efficient, but our reason for being is not to be efficient. Our reason for being is to try to deal with concerns about the police department, to interface some between the public and the police department. One of the first questions on the application that we all filled out was 'Do you have time to serve on the commission?' And presumably we all checked yes or we wouldn't be sitting here. I think it's improper to not give people a chance to speak at the time that we're about to take up an item. I think it's much easier to follow, especially if you have an agenda. Like today. It's not a real complicated agenda, but there are numerous items on it. If people get a period of time to stand up and say whatever they'd like to say about everything on the agenda, plus anything else that is within our purview, I personally find it harder to keep track of what somebody's concerns on Item 5 were if they make those comments way before we get to Item 5. If they comment while we're on Item 5 and before we vote, then it's easier for me and I think it gives the public a better chance to work with us. So I would oppose the motion.

CHAIRPERSON HOWE – Any other discussion? Go ahead.

COMMISSIONER HUERTA – I like the increasing to five minutes, because I don't think they can effectively give us their opinion and discuss some of the issues in a short, three-minute window. So I speak to part of that motion that I really like. But I agree with Commissioner Gardner. It's hard to follow the discussion if they're being asked to comment on something we're not going to discuss for another hour. I would much prefer to allow them the opportunity to have an open discussion on any item that may or may not be on our agenda at that point in time, and then allow them to speak to each issue if they have some concerns about the By-Laws or whatever it is we're discussing at that particular time. I agree that we're supposed to be here to hear the public, to be part of the community, and to listen what they have to say. And if we limit them to five minutes total, period, on anything that's on the agenda or not on the agenda, I don't think we're doing our job very well.

CHAIRPERSON HOWE – Any other comments?

COMMISSIONER EGSON – I'm in agreement to a certain extent. I think there should be a time limit because if not it could go on and on and on and on. I'm in agreement that we should hear what's on the hearts of those who are here. But then on the other hand, sometimes it gets repetitive and it becomes an avenue of... I know, voicing their concerns, but sometimes it goes beyond that. And I just think that there should be a time limit or we'll be here all night.

CHAIRPERSON HOWE – Commissioner Brewer, any comments?

VICE-CHAIR BREWER – I definitely agree with the time limit and five minutes instead of three certainly is not unreasonable at all. I feel it would be harder to keep track of what people are saying on individual items on the agenda by having it all done at one time. I would prefer to have somebody speak to the issue at that time. As we've had in the past, have a section where things that are not on the agenda, so then you can speak to anything else. But when it comes to agenda items, I'd like to see people speak to that agenda item at that time.

CHAIRPERSON HOWE – Commissioner Garcia...

COMMISSIONER GARCIA – Yes, I just would like to also add that we should increase the number of minutes for public comment, but again ditto on what everyone else has said to let each item be addressed at that time.

CHAIRPERSON HOWE – Okay. Well, I think that... Question?

COMMISSIONER HUERTA – Call the question.

CHAIRPERSON HOWE – Call for the question?

COMMISSIONER EGSON – Before we do that, have we determined if we're going to extend it to five minutes or an unlimited time?

CHAIRPERSON HOWE – Well maybe we can take them both separately.

COMMISSIONER EGSON – Okay.

CHAIRPERSON HOWE - First we'll vote...go ahead.

COMMISSIONER HUERTA – I think the motion is five minutes AND... So we either need to defeat that motion or I need to withdraw my second on that.

CHAIRPERSON HOWE – Okay.

COMMISSIONER REDSECKER – And I'll withdraw the motion.

CHAIRPERSON HOWE – You want to restate it all over again

EXEC. DIR. WILLIAMS – Or you can amend the motion.

CHAIRPERSON HOWE – Or amend it?

EXEC. DIR. WILLIAMS – You can amend the motion so you can make it a two-part motion. A) extend to five minutes and B) to have everything up at the front of the meeting.

COMMISSIONER HUERTA – It's easier to withdraw it and start over again.

CHAIRPERSON HOWE – Would you like to restate the motion?

COMMISSIONER REDSECKER – I'd like to move to make the motion that we extend the time limit to five minutes and at the discretion of the Chair, to extend that at the Chair's discretion and just leave it at that.

CHAIRPERSON HOWE – Okay now, this is just pertaining to the time, not to the other part...

COMMISSIONER REDSECKER – I'm not addressing that other part.

CHAIRPERSON HOWE – Okay. Is there a second to that?

COMMISSIONER EGSON – I'll second that.

CHAIRPERSON HOWE – Alright. Question? Ready to vote?

COMMISSIONER GARDNER – Just a real quick question. Commissioner Redsecker, did you intend that to be five minutes total for everything per person, or five minutes for general public comment?

COMMISSIONER REDSECKER – For each comment that... and not 15 minutes for Item 1 and then come back and do 15 minutes till the end.

COMMISSIONER GARDNER – Understood. Thank you.

CHAIRPERSON HOWE – Okay. We ready to vote? All those in favor of the motion, raise their hands. Okay, it's unanimous. Now, second part.

COMMISSIONER HUERTA – I'll make the motion that we still allow a time for public comment on our agenda for items that are not specific to our agenda, but that we also provide the public or the citizens who attend these meetings, the opportunity to speak on individual items as we, as a commission, are discussing them.

COMMISSIONER REDSECKER – Second.

CHAIRPERSON HOWE – Okay. Discussion? Discussion? Comments? If not, we're ready to vote? All those in favor of that raise their hand. Opposed? I didn't see any opposed. Okay. Carried.

EXEC. DIR. WILLIAMS – Do you all want to do it starting this meeting or do you want to do it...

CHAIRPERSON HOWE – Start with this meeting.

EXEC. DIR. WILLIAMS – Start with this meeting? Alright, we'll start with this meeting then. Very good. While we're on the subject of comments, and this is just an observation... As you're well aware, I don't partake in comments. It's your meeting and unless a question comes up or something like that, or I think I have something to sort of throw in, that's valuable... So over the last few meetings I've kind of been sitting back and observing, kind of... you know, just to see how things are flowing. One of the things I've noticed – and I don't know if it's just the time of the year or what – but it seems that there's less participation with those folks who come up to the podium and discuss things than there used to be. And by that I mean we don't get in debates with them, 'cause certainly we don't. That's when the chairman steps in and separates the debating parties and all that. But I think... we had a speaker during one of our training sessions that was real adamant about listening and saying "thank you very much" and going on to the next one. And that may make a lot of sense in his business and everything, but I don't think it makes... that's not our job. I think we need to... if we have questions, we should feel free to ask them, get answers, go back into a dialog with whoever's at the podium. That's what we do. That's all part of what we do. And obviously, if it winds up in a debate session, then it's up to the chairman to jump in and say, "Hey, wait a minute. It's getting into a debate. Let's go to the next question," or whatever like that. So, you know, it's just an observation on my part. Take it for what you will. I just saw it in the last couple meetings and I thought I'd say something, just, you know, for whatever. Like I said, I don't know if it's the time of the year, you know, this being June Gloom or whatever. I don't know. But that's it from the nickel seat, for whatever it's worth.

CHAIRPERSON HOWE – Well...

EXEC. DIR. WILLIAMS – Yes sir...

CHAIRPERSON HOWE – Are you moving on to something else?

EXEC. DIR. WILLIAMS – Yes sir. I was going to...

CHAIRPERSON HOWE - No, I don't want to move on just yet.

EXEC. DIR. WILLIAMS – Alright.

CHAIRPERSON HOWE – Let's hear comments from the commissioners. How do you feel about that? Do you want to respond to members of the public when they make statements? Do you want to be able to ask questions and leave it up to the Chair when it gets into a debate situation to bring a halt to it? Or what do you want to do? Jack?

VICE-CHAIR BREWER – I believe that we should be in a position to ask questions when statements are being made. I don't think we should get into a debate. But very definitely in the past, I've certainly had questions that I would have liked to have clarified.

CHAIRPERSON HOWE – Mike?

COMMISSIONER GARDNER – Mr. Chairman, I agree. I think it just makes sense that if we have a question of someone who's made a comment that we ask that. If we'd like further clarification or if we have a response to what they've said. I also agree that, you know, we're not here to debate. This is not the time and the place to do that. But we should feel free to respond to what somebody says; to ask them a question and not sit here like a row of bumps on a log. And as far as controlling debating, I think that the Chair should earn all those extra dollars that you're paid by controlling us rabble-rousers.

CHAIRPERSON HOWE – I can't even buy a cup of coffee with what they pay me. Gloria, you have any comments? No? Jim? Bob? Shall we vote on this and make it official?

EXEC. DIR. WILLIAMS – I don't think you need to. It was just a comment. That's just the way to do it. But again, feel free to do what you think you need to...

CHAIRPERSON HOWE – Okay. It'll be recorded in the minutes so the commissioners who are absent can see that this discussion has taken place.

EXEC. DIR. WILLIAMS – Right, right. The next item, you know we passed some policy recommendations at the last regularly scheduled monthly meeting and those responses from the Police Department are attached to your package and all that. If there are any questions there regarding that. I thought they were pretty good responses myself. And I have under miscellaneous, I have a couple of other little...

COMMISSIONER HUERTA – Don?

EXEC. DIR. WILLIAMS – Yes, I'm sorry...

COMMISSIONER HUERTA – Can I ask you a question?

EXEC. DIR. WILLIAMS – Sure.

COMMISSIONER HUERTA – Will these comments be shared with the public? Are they on the back table for them to see or will they be placed out there for a future meeting?

EXEC. DIR. WILLIAMS – Yeah, I mean, they're public. I don't... Did we make copies of those? (brief pause) We didn't. They're available if they want them. We'll certainly have them there. We just...

COMMISSIONER HUERTA – Can I ask that at our next regularly scheduled meeting they be out there for public to see?

EXEC. DIR. WILLIAMS – Sure. Sure.

COMMISSIONER HUERTA – Thanks.

CHAIRPERSON HOWE – I think it's imperative that the public gets a copy of something like this.

EXEC. DIR. WILLIAMS – Right, right. Under miscellaneous, one of the things that's happening pretty regularly here is that we're having special meetings to conduct case reviews, and it's my opinion that after a while, these special meetings stop being so special. So maybe what we ought to do is call them something besides special meetings to designate them from truly special meetings. So if it's okay with the Commission, I'd like to change the name from... to case review meetings as opposed to special meetings. Or any other name that anybody seems to have that has a little more zip or whatever...

CHAIRPERSON HOWE – Well I'd like to retain the name of special meetings for special meetings.

EXEC. DIR. WILLIAMS – Exactly.

CHAIRPERSON HOWE – If something comes up like the shooting recently that we had...

EXEC. DIR. WILLIAMS – Right. Well, you know my fear is that we call everything other than the monthly meeting a special meeting, then when we have something truly special come up, a person in the public who might have an interest, will miss it because of 'Well, it's just another meeting to do with cases' and stuff like that.

CHAIRPERSON HOWE – If we're going to have case review meetings, I think that should be closed to the public and not have public comment.

EXEC. DIR. WILLIAMS – Exactly. Well that was my next point. We... That's all we do is case review. We talked to the attorneys, the city attorneys regarding what our obligation for public comment is and basically, it's, you know, special meetings like that when all we're doing is conducting closed door stuff, we're not obligated to have public meetings, or public comments. I think Ms. Shelton's the only one who's shown up anyhow for the first couple and everything. And with expanded time in regular meetings and things like that, I think we're giving everyone a special opportunity to speak anyhow, or extra time to speak. So that's what I would like to do, would like to just dispense with public comment during these special, or during these case review meetings. Of course, regular, other special meetings would have public comment, but in these case review meetings when that's all we're doing and we're doing nothing else but that, dispense with the public comments so people don't waste their time.

COMMISSIONER GARDNER – Mr. Chairman, could I just ask a quick question?

CHAIRPERSON HOWE - Sure.

COMMISSIONER GARDNER - These case review meetings would still be noticed as they are now. It's just...

EXEC. DIR. WILLIAMS – Absolutely. The only thing that would change would be the public comment. It'd still be noticed. Everyone would know what's going on. It'd have the same numbers and everything else. The only thing that would change would be the public comments thing.

COMMISSIONER GARDNER – Thank you.

EXEC. DIR. WILLIAMS – Yes, ma'am?

COMMISSIONER HUERTA – Would we need to change our Policies & Procedures, which are still in draft form, to reflect that we are having a special category of meetings called a review meeting instead of calling it a special meeting? Should we add that into it?

EXEC. DIR. WILLIAMS – Well, that might be something we could do. Which brings me to my next point... Good segue. We got the current revised Policies & Procedures out late Friday and was able to mail them off, but I'm not real comfortable that everyone who wants a copy got them through the mail or e-mail or whatever, like that. So I would request that the Commission table the...Item No. 6 on this evening's agenda, to give, to make the changes like Gloria was talking about here with this extra review meeting. And then, also that will give us a chance to... give the public a chance to review them for the next meeting. Also, I have some changes that have been noted that I want to take note, or make note for everybody, too. And I'll just do it during my segment here, if you don't mind.

CHAIRPERSON HOWE – Okay.

EXEC. DIR. WILLIAMS – Also, for you folks, and for the public also, our next case review meeting is tentatively set for July 12th, which I believe is a Thursday. We're trying to get these things between holidays and people taking time off. It's going to be a real juggling act July and August and part of September. So if you could mark your calendars for a tentative 12th and we will notice everything as we normally do. Now...

CHAIRPERSON HOWE – Before you go on to that, Commissioner Egson, will you be available that date? We were earlier getting vacation schedules and so forth and you weren't here. What's your vacation?

COMMISSIONER EGSON – July the 12th? No that's fine. I have board meetings on the third and fourth Thursdays of each month and that's the second, so that'd be fine.

EXEC. DIR. WILLIAMS – What we're trying to do here, with everyone's different schedules and everything, we're trying to get dates where we have the most people coming. We're not going to have a full board in July or August and possible September simply because of peoples, the vacation schedules people are taking. So we're trying to hit the date where we have the most people available. I don't want to get in a situation where we only have maybe six people available and then you're really counting on everybody getting here to do any business, frankly. You know, one or two people have something come up and then you're... everybody's come down here or whatever and it's... it throws everything off track. So we're trying to hit them where we have the best chance of having as many people as possible make it with the understanding that we're not going to have full boards for those three months.

COMMISSIONER GARCIA – Mr. Chairman, July 12th is bad for myself. I have a regularly scheduled second Thursday community meeting that I attend, that I'm on the board of.

CHAIRPERSON HOWE – I think the majority of us are available for that meeting, so we'll have a quorum, because we know we're not going to get everyone for every meeting.

EXEC. DIR. WILLIAMS – Right, right. Okay, well let me go through the changes in both the By-Laws and Policies & Procedures, the ones that have been pointed out to us. On the By-Laws, pg 10 of 10, at the very top of Section 1, it says 'all personnel records,' is the first three words of that paragraph, on the second sentence it should say 'information relating' and I guess 'to the closed session,' well I'm not sure... Who made the... I don't understand what the...

COMMISSIONER GARDNER – Don?

EXEC. DIR. WILLIAMS – Yes sir?

COMMISSIONER GARDNER – Would you like me to do that?

EXEC. DIR. WILLIAMS – I certainly would, Michael.

COMMISSIONER GARDNER – I was the one who found it – it's my fault, Page 10 of 10 on the By-Laws. This was a section that had created some concern amongst some of the people who have come in and given us comments and I think was a little troubling to some of the commissioners. It was originally, I believe, intended to be an exact quote from the ordinance that created us and it's easy to make it be that exact quote and I think it'll make everybody feel a little better. In the second line, the line now reads "the Riverside Police Department, information relating to deliberations of the Commission," we should modify that to say "the Riverside Police Department, information relating to closed session deliberations of the Commission." Yes. Insert "closed session" after "relating to" and before "deliberations of." And then "deliberations of the Commission, and" strike "other" and insert "any other privileged matters." And that is a direct quote from Section 2.76.060 of the ordinance that created us. Yes.

CHAIRPERSON HOWE – What's next?

EXEC. DIR. WILLIAMS – Okay, it'd be on the Policies & Procedures, Page 4 of 4. This is pretty easy stuff so I can probably handle it. Section VII, Subsection B as in boy, first sentence should read "only complaints of sworn police employee misconduct" and strike the "may be," then leave the rest of it as it is written now. And #C as in Charles, should read "only complaints." Add the word "complaints" and the rest of it leave as it's stated. And with that I believe my... Oh, wait - one other little thing. You'll notice another... I've kind of added something to the agendas that I think...well, I thought I'd try it out to and just see how you like it. Item No. 4 you'll see is a new item. I thought that from time to time commissioners may want to say something to one another in public or say something to the public, so this is an opportunity for them to say, basically anything they want to, announce the birth of grandchildren or whatever the heck they want to do, you know. If they have a special meeting they want to invite people to or if there's a special event that they know about that they want to invite the public to, that's the sort of stuff... so I thought I'd add that. It's an opportunity for the commissioners to, if they want to, make announcements or whatever like that.

CHAIRPERSON HOWE – I have no problem with that. Everyone feel comfortable with that? Okay.

EXEC. DIR. WILLIAMS – Well, I'll keep it in there then.

CHAIRPERSON HOWE – Let's go back to the Policies & Procedures for a minute. You got away from it before I could make a comment. The previous discussion about the closed session... We need include that in there, so we'll delegate that to you to include that in the revised copy.

EXEC. DIR. WILLIAMS – I'm sorry now?

CHAIRPERSON HOWE – The part that pertains to the closed session, the case studies?

EXEC. DIR. WILLIAMS – Our case review meetings?

CHAIRPERSON HOWE – Right.

EXEC. DIR. WILLIAMS – Right.

CHAIRPERSON HOWE – We'll delegate that to you to include that in there.

EXEC. DIR. WILLIAMS – Thank you.

CHAIRPERSON HOWE – We don't need another meeting just to talk about that.

EXEC. DIR. WILLIAMS – I'll wedge it in there somewhere. Then what we'll do is we will take these revisions we've talked about here, and plus the addition of that and we'll just make another revised Policies & Procedures and put that out to you folks in the public and everything, as well.

COMMISSIONER HUERTA – Mr. Chair? Is now the time we should entertain a motion to table our discussion on the Policies & Procedures? Or should we ask the people who have come tonight if they have comments that they want to make since they're here?

CHAIRPERSON HOWE – Yeah, we could do that. Is there anyone in the audience that would like to comment on the Policies & Procedures? Come on up to the mic... Ms. Beeman?

COMMISSIONER HUERTA – I didn't intend for us to take it out of order, Mr. Chairman. I just wasn't sure if we should... I didn't want to table it if we did indeed have people that came to speak on the issue. So...

CHAIRPERSON HOWE – We'll wait until we get to that in public comments.

COMMISSIONER GARDNER – Mr. Chairman?

CHAIRPERSON HOWE – Go ahead...

COMMISSIONER GARDNER – Before we go on, if I could go back just very briefly to the findings that Executive Director discussed. I have a question on one, on Page 3, our case number 01-014. It says what the allegation was, but it does not give our finding.

EXEC. DIR. WILLIAMS – That was an oversight on my part and, to tell you the truth, I don't know what it is right now. I'll have to revise it.

COMMISSIONER GARDNER – Yeah, if we could just...when it is made available to the public, if that could be corrected and if you could refresh our memories at some point as to precisely what we had done on that case, because I don't think of them by number.

EXEC. DIR. WILLIAMS – Yeah, I'll have to revise this.

COMMISSIONER GARDNER – Thank you very much.

EXEC. DIR. WILLIAMS – We've done a lot of work, and I just don't know...

COMMISSIONER GARDNER – Yeah, you and Phoebe have done an awful lot of work in the last week.

CHAIRPERSON HOWE – Thank you, Commissioner Gardner, for catching that oversight. Alright. I think we're ready to move to public comments now?

EXEC. DIR. WILLIAMS – I went to the commissioner's comments and then as far as speaking about the Policies & Procedures, if you really want to, we have five minutes of public comment and I suppose we could do it then. That's my suggestion... however you want to do it. But as it is now, we've got commissioner's comments. I'm finished with my comments.

CHAIRPERSON HOWE – Okay, we'll take commissioner's comments, if anyone has anything they'd like to say.

COMMISSIONER EGSON – Mr. Chairperson, I don't know if you have the date for that "Cops & Clergy" meeting at the boathouse at Fairmont Park. Do you have that date that we're going to meet the next...

CHAIRPERSON HOWE – I believe it was... I know it's a date that I'm going to be gone...the first part of July...

COMMISSIONER EGSON – Is that July 12th?

CHAIRPERSON HOWE – Wednesday, whatever that Wednesday is.

COMMISSIONER EGSON – Okay, then I'll bring it up...

CHAIRPERSON HOWE – 4th or 11th, I think it's the 11th...

COMMISSIONER EGSON – It's a meeting that is very helpful and Commissioner Howe and I attended the last meeting and...with several members of the police department and clergy, and at that time they talked about "Charitable Choice," Dr. Orr from USC. But it's a great interaction, and the Chief of Police was there. I'll get the dates on it... I'll get the date on that. Invite you to attend that. I think you'd be very interested.

EXEC. DIR. WILLIAMS – Is that open to the public?

COMMISSIONER EGSON – Yeah.

EXEC. DIR. WILLIAMS – Okay.

COMMISSIONER EGSON – I'll get you the date and give you more information about what the subject matter will be that day.

EXEC. DIR. WILLIAMS – Thank you. Great. Appreciate it.

CHAIRPERSON HOWE – Any other commissioners?

COMMISSIONER GARDNER – Mr. Chairman?

CHAIRPERSON HOWE – Go ahead.

COMMISSIONER GARDNER – Commissioner Huerta and I talked the other night about trying to develop some sort of a more effective outreach to the community, and an idea that we had was perhaps to form a committee, either ad hoc, or my thought would probably be standing, whose job it would be to try to plan specifically some of those things. Not so much just attending a "Mayor's Night Out," and saying...getting introduced as a member of the Police Review Commission, but to go to selected community events specifically to give people a chance to say "This is what I think about the Police Department. Here's what I like. Here's what I don't like. Here's what I'd like to see the Commission do." And I think both Commissioner Huerta and I would volunteer to serve on that

committee if the Commission's pleasure is to form one. But I think it's a good idea and I'd like to just put it out to the Commission to think about. It probably would be appropriate to place that on an agenda for future action rather than take action tonight, but I just wanted to put it out for people to start thinking about.

COMMISSIONER HUERTA – And we kind of discussed not just going to established committees or established meetings, but perhaps even as Commission saying that “This quarter we decided we want to meet in your community and we have no other agenda than public comment. You tell us what you like or don't like,” and just listen.

CHAIRPERSON HOWE – Any other commissioner?

COMMISSIONER EGSON – Outside of here? They don't have the opportunity to tell us what they don't like here?

COMMISSIONER HUERTA – I think, personally, that some people don't come down to the seat of government. They don't understand it. They don't know it. Maybe they're intimidated by this particular setting, and that there are opportunities, and maybe it's things like, when we have an event like the Orange Blossom Festival, maybe the Police Commission has a booth there, and we just stand... one of us stands all day and we meet the public and we talk. Or we go out and we sit at a community center when they're having a health fair and we allow them the opportunity to share with us “You know what happened to my cousin, Joe...” And not limit them to three minutes or five or seven minutes...

COMMISSIONER GARDNER – Or Downtown Wednesday Night. Set up a booth at Downtown Wednesday Night. It's another possibility.

EXEC. DIR. WILLIAMS – Yeah, you know, if I could just jump in real quick... You know, my recollection is one of our more successful training efforts was when we had that panel discussion with first the city officials, and then the community group leaders came in and I thought that was very helpful for everybody – them and us – and all, and I certainly gained a lot out of it. So that's... I think that's a great idea. We were in the very first Downtown Wednesday Night – we did have a booth there, and getting a booth is not a problem, I don't think. We... Phoebe knows more than I do... It's not a problem and all that, it's just... and we had actually planned to have a booth there once a month or once every six weeks or something. We just... we haven't... we just... Things are building and we're just working our... You can only get so much done in a 10-hour day.

COMMISSIONER HUERTA – And I don't want to imply, I mean Mike and I didn't intend this to mean that all of us as commissioners would have to be obligated to spend X number of extra hours more than what we're spending now to be at these locations, but I think that, for Mike and I, we talked about how important it was for us to get out and really know the communities because I don't know them as well as I should. And some opportunities might prevail at our churches because several of us have churches and synagogues that might open their doors to have a public meeting just to discuss what's right or what's wrong.

CHAIRPERSON HOWE – You know, along the same lines, and I mentioned this to the Executive Director, that I've been approached by police officers more than once. They're concerned about this commission possibly being out to get them and we need to go to roll call and explain what we're all about. And I think that's what we're going to look into and see if there's something that we can do to explain to them exactly what our role is and... You know, it's not what they perceive us to be. Alright, any other comments?

COMMISSIONER GARDNER – Just kind of as a follow-up to that, Mr. Chairman. I've found that doing ride-alongs is helpful to facilitate that kind of communication. The officers that I've ridden with, I talk about my view of the Commission and that we're not out to get anybody, in my opinion, and I've heard comments from other officers subsequently. I rode with Officers "Jones" and three days later Officer "Smith" bumps into me and says, "oh yeah, Officer "Jones" said so and so and so and so..." So it does get around, and I think the more contact we have with officers, the more time we spend with them learning what they do and how they do it and why they do it, the more we'll know and the better they'll feel about our objectivity.

CHAIRPERSON HOWE – Okay, any other comments?

COMMISSIONER GARCIA – Yes...

CHAIRPERSON HOWE – Go ahead, Bob.

COMMISSIONER GARCIA – In reference to having the meetings at other centers... I think that's a great idea. Previously being on the Human Relations Commission, we did that throughout the year. We went to different centers and had meetings, but I believe towards the end of my being on the commission, the Human Relations Commission, I believe that the Mayor had asked that the meetings be brought back to the City, but I would like to have staff check that to see if we can, as the CPRC, have community meetings in community centers.

VICE-CHAIR BREWER – Mr. Chairman, I think that our By-Laws, and what we have constructed so far, basically says that we will have our regular meetings in a facility such as this, that is city-owned. Now, if you're going to have a special meeting for the community or something such as that, for public comment, that would be a different matter.

EXEC. DIR. WILLIAMS – Thanks. That was one question I had. I mean, are we talking about having, like, our regular monthly meetings out there, or are we talking about having a special meeting where two or three commissioners get - something less than a quorum – would get together and have an open house type of thing, maybe, some drinks or something like that and invite people in...

COMMISSIONER GARDNER – That was my thought, was that it would be a few commissioners – two, three, but not quorum and not a formal Commission meeting.

EXEC. DIR. WILLIAMS – Right. Right.

COMMISSIONER GARDNER – You know, we would... I think we would want to publicize it as best we could if we want it to work, but I don't anticipate it being this kind of a meeting at the Chavez Center.

EXEC. DIR. WILLIAMS – Correct. Okay.

CHAIRPERSON HOWE – Alright, if there's no further comments, we'll move forward. I don't think we ever voted on tabling the Policies & Procedures amendment, have we?

EXEC. DIR. WILLIAMS – You haven't gotten to that part on the agenda yet. You have to wait till you get to that agenda (item), I think.

COMMISSIONER GARDNER – Mr. Chair, I believe we wanted to take any audience comments on that before we put it over.

COMMISSIONER EGSON – I thought we were going to use it in the public comment section...

CHAIRPERSON HOWE – Well, that comes first; that comes next, public comment is next. Okay, Mary Shelton, public comments.

Ms. Mary Shelton

This is just on something else, but it's already been discussed. I was happy to hear that, I think it was you, Ms. Huerta, who said that comments from the Police Department on the policy recommendations ought to be made public. I think those need to be made public. I would really like to know what the Police Department had to say about Policy No. 4.12, which is the Personnel Complaint Policy. I was the one who filed the complaint regarding the officer who was assigned to investigate himself and, from what I heard, that was allowed because there was nothing in the policy that prohibited it. And I finally got a copy of it and I discovered that's true. I mean, it just must be an oversight or something like that, that must have been missed all these years. However, I am concerned about, after reading this policy, it's apparent that, at least in my complaint, there were a lot of violations. Time limit violations – this Commission sustained an allegation of time expiration, yet when I got a letter from the City, Larry Paulsen, that allegation was completely left off of the letter. I didn't even know about it until I read a copy of these findings under my complaint number. So I don't know if that's going to... If the City feels that they can leave it off... I don't know if that's something that they feel is important enough to get improved.

I also found that there are problems with getting witnesses interviewed, because here it clearly states that they're supposed to interview all witnesses and also investigate all allegations, which they don't do. And also simple things like a problem with the letter I got from the City that states that on every letter regarding an internal affairs investigation that the name of the investigator and the phone number must listed on the letter, but on my last letter I received, there was nothing like that. And also things like... that were missing from the letter I had gotten from Internal Affairs like the specific allegation, the finding, and the definition of the finding and I'm glad to see something like that on the letters that they are giving out now. So my concern is that it's a very important part of your job to make policy recommendations, but how are you ever supposed to know that, if they're ever going to be carried out or added to the policy if they don't even follow the ones that they have? And it seems to...

It's just something that's perplexing to me and something that I hope changes. I also found that... a suggestion I would have also, in terms of policies, is I would like to find a way that all the departmental policies could be available, possibly, through the Commission office or the City Hall. Getting them from the Police Department can be very easy or it can be very difficult. I called for a copy of the policy for investigations and conducting of interviews during investigations because I had a very strange interview on a criminal case involving... with two detectives several weeks ago, and I have some... I'd like to go through the policy and find out if they were acting appropriately or not. And sometimes I policies from them right away. Sometimes I never get them. I'm waiting two weeks for that one – no response. Or sometimes I get these excuses like a captain can't go in his office for three weeks because they're doing some sort of construction. So, anyway, I mean... that's basically what I'd like to say is that I strongly... I'm glad you're going to make this process more open by making those responses from the Police Department available to the public at the next meeting. I think that's a really important thing and I also think that the policies should be more available to the public as well, so, by some other way than having to go through the Police Department. Thank you.

CHAIRPERSON HOWE – Okay. Thank you.

COMMISSIONER REDSECKER – I'd like to ask Ms. Shelton a question, if I may... Have you considered taking and reducing what you said here tonight and the response from the Police Department in writing and submitting it to the Chair? I think that would be useful to us.

MS. SHELTON – (unintelligible)

COMMISSIONER REDSECKER – Well, you got a response.

EXEC. DIR. WILLIAMS – Excuse me, please. could you all step up to the microphones? We can only pick things up if the mics are on.

MS. SHELTON – Oh, I'm sorry, it's just... I'm not a very good speaker so I was just saying that I got a Xerox like you did today of the number of cases and all the findings and that's where I got to ? my complaint because mine was the first one, so, that's how I knew that there was this sustained allegation on my complaint. Yet previously I got a letter from Larry Paulsen and there was nothing about that allegation anywhere in my letter. In fact, several of them are missing, and that was one of them. And I was very confused because I don't; I mean I don't know what happened to that allegation. I think it had to do with the fact that it took them five months to contact my witnesses instead of the 90 days to complete the whole thing, but I'm not sure. And that concerns me because that's a serious problem, I think. I mean, I've talked to people who've had Internal Affairs investigations – they've all taken at least three months with theirs, and even the ones that are supposed to take 45 days. So I think that's a serious consideration. But if somebody does that and they're not being held accountable for it, then how are you going to keep them from doing it again? That's just my position.

COMMISSIONER REDSECKER – And I understand what you're saying. But what I'm suggesting is that you take some of that stuff that you're telling us tonight, which we hear, and we hear for maybe for five minutes, and then other things come up and replaces it in our brain – if you would reduce that detail to writing and submit what you've said tonight, we get a better chance to understand – get in your head – to see where you're going with what you perceive as a problem, which, in fact, very well may be a problem, but I don't think that we can handle it with just a five-minute presentation.

MS. SHELTON – Yeah, I'm not a very good speaker. So... But I could get it in writing if you want...

COMMISSIONER REDSECKER – Sure. I'd like to see it in writing.

MS. SHELTON – Okay. Thanks.

COMMISSIONER REDSECKER – Thank you.

EXEC. DIR. WILLIAMS – Okay, Mr. Chair, if I could comment? I know at this point in time, the current policy on police... or citizen complaints, is being re-written at the Police Department. So... And a lot of what Ms. Shelton said is correct. A lot of that was, you know... A lot of things have happened since, well, since October 15th when Russ Leach came on board and November 1st when we started going and everything and hopefully those problems that she talked about are in the past.

COMMISSIONER REDSECKER – Mr. Williams, and I agree with that, but what I'm looking for is with things that have happened in the past, if we don't have these things in writing to compare them to what changes are being made, we're not going to be able to do anything except be blind in a snowstorm.

EXEC. DIR. WILLIAMS – You're right, absolutely. And I agree with you 100% on that one. I think we need to look where we were and see where we're at and make sure we keep on that.

CHAIRPERSON HOWE – Okay. Next speaker...

COMMISSIONER GARCIA – Mr. Chairman? In reference to Ms. Shelton's question in reference to the policies, can those be available for the public in the CPRC office or is that strictly only through the Department?

EXEC. DIR. WILLIAMS – It's, you know...obviously we've got them because we use them as reference and everything, but we don't have them... I've got my copy that I use on a daily basis, and frankly, I don't have the time to just loan it out as a library item for everything. I think if you want a policy from the Police, you need to go through the Police Department to get it. It's the most

appropriate way you get the up-to-date... we should have up-to-date stuff, but you know, it's a long way from there to this building and everything, and sometimes...so that I think the Police Department's probably the appropriate place. If, within a couple of weeks, you don't get it, then maybe they call us and we can hustle them up a little bit, but I really don't want to have a library where... We just don't have the space or the time to deal with it, frankly.

COMMISSIONER GARCIA – Yeah, that's why I questioned that because previously when I've asked, I've been addressed that it has to be through the Department only as far as releasing policies.

COMMISSIONER HUERTA – Are these policies...aren't they public record? I mean, shouldn't they be available through the public library or online?

EXEC. DIR. WILLIAMS – You know, there are. I don't think there's anything that's top secret about them. You know, Ms. Shelton, she says she got the policy eventually. It just took her a while. You know, I can't answer. That's the Police Department. If it's to be put online, they've got to supply to manpower to do it and I don't know if the library... I've never known of a library to have a copy, at least an up-to-date copy.

CHAIRPERSON HOWE – I think it's an internal problem, isn't it? It'd have to be worked out through the Chief of Police, really.

COMMISSIONER REDSECKER – It is. It's an internal document. It's not a public document; it's an internal document.

EXEC. DIR. WILLIAMS – Yeah. That's... Every law is different, but I've never known them to be out like that, but I know they release policies from time to time on different things, but...

CHAIRPERSON HOWE – But the public should be able to get a copy, is what I'm saying. But that's a police problem and not our problem. They should be able to get their copy and it should be expedited. It shouldn't take, you know, have to take so long.

EXEC. DIR. WILLIAMS – Correct. I agree.

CHAIRPERSON HOWE – Okay. Through with that? Next speaker is Rich Biber.

Mr. Rich Biber

Good evening. My name is Rich Biber. I live at 6853 Phoenix Avenue, and I apologize to the Commission. I've been following what's been going on since October in the newspapers. I haven't come down here. It is interesting to me since I'm in the community and very involved, and sometimes it becomes incumbent on some of us in the community to try to explain away some of the...what happens to the police. I was especially enthused by your comments with regard to education. Two things. The shooting of June 10th – and I don't have a case number. You didn't refer to it in your comments; is there a case number?

EXEC. DIR. WILLIAMS – I'm sure there is. I just don't know it myself.

MR. BIBER – Okay, and you had no comments on it even though it was in here? I didn't...

EXEC. DIR. WILLIAMS – Well, other than to say that after everything's done, we will have an investigator double check as part of our monitoring process.

MR. BIBER – I got that, okay. One thing that I noticed, outside of the horror of what happened straight before my eyes from 55 or 60 feet away, was the aftermath. You were dealing with... You weren't dealing with, the Police Department were dealing with a horrible situation in the public's eyes, and a

family that spoke very little English, for the most part. As I understand it, they weren't there when this happened and they came home and the young man's body was gone; everything was shut down; they couldn't go in their house. I think there was a distinct lack of public relations going on there that day. I'm not trying to be critical; I'm trying to get to the core of Gloria's issue of education. I found myself, in the following days, dealing with this family in my front yard in a very sympathetic and empathetic way. They're neighbors of mine. I knew them – not very well – but I did know them. They were very confused. They had absolutely no information whatsoever. I mean, when I think about if I came home on a Sunday afternoon and somebody said my 25-year-old son had been shot and killed and taken away, and I couldn't go in my home, and nobody was telling me anything, and I had a distinct lack of understanding of police protocol, I'd be in an awful position mentally. All kinds of things would be going through my mind, including the perception that somebody's trying to hide something. I think that's key here. I think that needs to be in the back of your mind. I tried as best I could to try to explain – and I'm not a police aficionado as far as I know everything that goes on – but they couldn't get in their house for five hours. Why? Well, I had to explain – and it should have been somebody else's job with this family – there might have been a bomb in there. There might have been somebody hiding in the closet. That's why they went in with guns drawn and was searching...and all that went on. I can't explain that away. That's police...there really should've been somebody... There should've been an interpreter, and I don't know if this is your job or not. I'm extremely disturbed by all this. I think about this nightly. I went to the funeral yesterday, or Saturday, and it really is a wrenching situation and this family had no information for days and days and days, and I think that was really disastrous to the psyche of this family. I mean, I don't know... Did anybody go down that street? They had, out in front, they had candles and flowers and they would be out there five, six, seven at a time, almost 24 hours a day, in prayer. This family was in extreme mourning, and on top of all that, they were extremely confused and had no information. So, I would encourage this Commission to look into the protocol of something like this. This isn't going to happen every day, but I think there should be some protocol to deal with these, these situations where...the next-door neighbor shouldn't be trying to explain these things away to this family. Four or five days later, they've got no information. They don't know where the body is. You know, to me, that would be extremely disturbing. So I wanted to echo education, not only after the fact, but I think you've hit on it; if this Commission can get out into the public and talk about some of the ham-stringing that's done to the Police Department with regard to allowing information out in a situation – I understand that, they don't – there's certain information that can't go out for obvious reasons to those of us who know the Police Department, but to a family of immigrants who came to this country a few years ago – half of them don't speak English at all – it's devastating. So there's some protocol that needs to be done, and I won't speak to that anymore. I'm sure you're going to have your hands full with this in the months, or weeks to come.

I wanted to talk about the removal of public comments to your case reviews. I'm not so sure that's a good idea, unless it's closed sessions. If you're coming in here for a case review and it's closed session, and you open and close it and go, then there's not a problem. But if you have any kind of commentary at all, here, I think the public, if they want to say something about that case, needs to be allowed a couple of minutes or five minutes or whatever, to state their views on whatever you're going into closed session...it may be something important to you, I don't know. So I just caution you a little bit on that. I'm a little fearful of closed sessions, as everybody else is. Remember, in this world, perception is much stronger than the truth, and that's what drives people, is their perception of what you're doing, not what you really are doing.

CHAIRPERSON HOWE – Time's up, sir.

MR. BIBER – So that's about it. I just wanted to be of encouragement to you. It's a tough job. Protect the public as much as you can, but remember, the Police Department, they're human beings too.

CHAIRPERSON HOWE – Just let me reply to your last comment about the closed sessions. They are closed for the simple reason we're reviewing cases that their names do not go to the public, the cases

that we're reviewing. Their names...instead of a name, it's a number. The case is assigned a number. The public doesn't get the name because of confidentiality of action against a police officer.

MR. BIBER – So you wouldn't have closed...you wouldn't have public comments because they'd be up there speaking about something entirely different then, other than the purpose that's on your agenda. Then you would stay with your agenda and move on and nobody should be offended by it.

CHAIRPERSON HOWE – True.

EXEC. DIR. WILLIAMS – It's strictly... When we have these case review meetings, it's strictly the case review. That's all we're doing. We're not conducting any other business other than those case reviews.

COMMISSIONER HUERTA – I just wanted to mention that we have specifically changed the way we identify those cases so that we do maintain confidentiality, whereas before, it was pretty obvious which cases we were talking about. Now we've really masked them, if you look at today's agenda.

CHAIRPERSON HOWE – Okay. Thank you. Chani Beeman...

Ms. Chani Beeman

Good evening. I would like to start by saying many of the items that you've discussed and adopted tonight are encouraging. You know, anything that you can do to increase public input, exposure, education, all of those things, strengthen credibility. So I want to begin by saying "Yeah! That's the right thing to do!"

However, of course I have another piece I need to share as well, and it actually has to do with Mr. Williams' comments on the officer-involved shooting on June 10th. I'm very concerned with your description that there was perhaps a quote "misunderstanding" by some of you that the investigation that this commission will be doing will wait until the district attorney's findings. As you know, the special meeting that we had discussing this, many people, in fact I think almost entirely the public, said that this commission should be involved in an investigation. And you went into closed session and I had the distinct feeling afterward that most commissioners came back saying, "Well, I think this is going to work out..." You know, that there was an understanding that it wasn't going to wait until the district attorney's findings. And I would encourage any of the commissioners who felt that way, that perhaps they misunderstood, speak up, because I think it's absolutely wrong to wait until the District Attorney's findings. And Mr. Williams, your comment saying that that is a different model than what this city has adopted, is incorrect. We fought very hard, and one of the strongest recommendations that came from the community was that this Commission had the ability to investigate independently, and to that extent, they were given subpoena power. Waiting to investigate for two or three months – most of you who've been in law enforcement know that an investigation is all but useless. It will be a paper investigation. It will be investigating the investigators. And this isn't what this commission was established to do. And I know. I've been here. Most of you who've been here... Mr. Williams, I know you're a new arrival to our community, but subpoena power and the ability to independently investigate cases is absolutely a part of this model. So please do not dismiss it that way.

I do have some comments regarding the By-Laws and the Procedures, just little things that can wait until that agenda item or continue...

CHAIRPERSON HOWE – Well, you've still got 2-1/2 minutes.

MS. BEEMAN – Okay.

COMMISSIONER HUERTA – I would like to have Chani, with the permission of the Commission, to wait until we speak on the issue so you can have five minutes to present.

MS. BEEMAN – Thank you very much.

CHAIRPERSON HOWE – Oh, okay. Alright. Ray Lewis.

Mr. Ray Lewis

I heard Commissioner Huerta, but I would like to make this comment relating to the case on Page 5, and then I won't speak again. There is no recommendation for discipline, but I take it that you felt, on the basis of your findings, that discipline was in order, and I would hope that you would proceed to make necessary recommendation relating to disciplinary action. Let me observe that all policy matters in our city government are public information. There's nothing private about, or confidential about, the Police Department's policies. Let me just say to you that if, as a citizen, I...you go down to the public library, which has a public records section, and ask for various things, frequently they tell you "We don't have them," because public agencies do not make those things available. Now, if you're a person of great means, you might start with public information, take legal action. There is no reason why public policy information is not available in our public library. It is a staffed library. They keep files, and if you go and ask them, they do their best to get material for you. The Police Department policies ought to be available to the public in the public library. That's a fact, and they ought to be available in the Commission's offices as well, because the commission members and staff need to have that available. That's the stuff of which you're working with. So, there really isn't...there shouldn't be any real discussion about that. That's fundamental, and I would hope this commission would establish a record that the policy positions of the dept will be available to the public in the public library. They will be delighted to help you in that regard.

I'm really pleased to see the policy recommendations, which you've made. I think that's an excellent start. I would like point out to you that those policy recommendations need to be tracked in your annual report; we made these recommendations; these are the outcomes. They were accepted or they were not accepted and the reasons therefore and that's terribly important as you look at your...because it's not explicit in your statements as to what's going to be in the report, but clearly, it's very important and I would just observe where I started that the action on your disciplinary recommendations needs to be in your annual report.

Well, I...those are the specifics that I wanted to bring to your attention and I would simply add one final thing, and that is there cannot be any question for those of us who...those of you who followed this process over almost two years, that it was intended that this commission investigate officer-involved shootings, regardless of what happened relating to Internal Affairs or the District Attorney. That was never at issue. That's one of the most important reasons why the Commission was brought into existence. Thank you.

VICE-CHAIR BREWER – Mr. Lewis? I have a question.

CHAIRPERSON HOWE – Go ahead, go ahead.

VICE-CHAIR BREWER – In what way do you think that this commission should investigate the shooting? By what means? What is it you want us to do?

MR. LEWIS – What I want you to do is to have outside investigatory help, which is, I take it, has been secured.

VICE-CHAIR BREWER – We have. Right.

MR. LEWIS – And then it's important to go out and talk...for those investigators, to talk to as many people as possible to get a full view of what people...

VICE-CHAIR BREWER – Okay. You mean the investigators, not the commissioners.

MR. LEWIS – Not the commissioners. Oh no, no.

VICE-CHAIR BREWER – Okay. I just wanted to make that clear.

MR. LEWIS – Oh, yeah... No. Not...it was never intended that commissioners would be investigators, but once you got that information, alright, you would then have your own independent view of the situation. Now obviously, at some point, you would take that, plus information from Internal Affairs, the District Attorney, etc. But without it, there's a missing element, and that's why we were concerned about Detective Jacobs and so on. Much can be gained by going out and collecting independent information, information that does not come through the usual sources.

VICE-CHAIR BREWER – Okay. Apparently the only disagreement we have in this latest shooting is time – when we step in with our investigators and when we don't.

MR. LEWIS – Yeah, but I think Chani's point is very clear – the sooner you get started on the investigation, the better. The longer you delay, the more difficult the process. Okay? We saw that as an urgency and I think I, for one, tried to express that, that this was really an urgency to get out there and begin to get all the information one can get. And then, given this group, with a heavy emphasis on law enforcement, you would bring your experiences to bear in examining that information and making an independent judgment.

VICE-CHAIR BREWER – Thank you.

CHAIRPERSON HOWE – Thank you.

COMMISSIONER GARDNER – Mr. Chairman?

CHAIRPERSON HOWE – Go ahead.

COMMISSIONER GARDNER – I guess I'd just like to comment that disciplinary action, disciplinary recommendations, are not something that we do. That's an employment issue between the employer, who is the Chief, and the employee, who is the officer. We're finders of fact and we make recommendations as to whether, in our view, the allegation, or the alleged act, happened. But discipline, what should be done about it if an officer did a wrong thing, is clearly not within our jurisdiction.

CHAIRPERSON HOWE – That's the Chief of Police, his...comes within his purview.

MR. LEWIS – I don't think this is so. This is a group that's going to develop experience. You're going to see in a way others cannot, what the parameters of behavior are, right? So there's kind of a Gaussian curve there. You'll see that some behavior's terrific, some behavior is terrible, some behavior... And it's certainly...there's nothing that I can see in the ordinance that doesn't...that would prohibit your saying to the Chief, "This behavior appears to us to be really serious, bad behavior, as opposed to good behavior, and disciplinary action ought to be taken." Now, I understand what you're saying. The Chief takes the disciplinary action, but I don't see any barrier to the Commission saying, "We think disciplinary action ought to take place here on the basis of the fact-finding."

COMMISSIONER GARDNER – Okay, I understand. Thank you.

COMMISSIONER EGSON – Yes, Mr. Lewis, I think that's clear, as we look at the cases now, that we have referred some back to the Chief saying that some procedures should be changed and maybe there should be some training. So we are looking at it...at that way, so I don't know if this case is

going to be that much more magnanimous, you know, because we...we will be treating this case like we do the other ones except the investigatory part of it. And you know, bringing in investigators would be the first thing...the first time that we would be at such a point where we would have to call them in, because we have... This is really our first shooting, so... Excuse me?

MS. BEEMAN – It's your second (balance of comment unintelligible)

COMMISSIONER EGSON – The what?

CHAIRPERSON HOWE – Officer Jacobs she's referring to.

COMMISSIONER EGSON – Yes, but you didn't ask us to investigate...

(several responses from audience, "Yes we did.")

COMMISSIONER EGSON – Yes you did, yes you did. Okay. But this is the first time we've had a civilian shooting, okay?

CHAIRPERSON HOWE – Any other comments? Okay, move on to...Mary Shelton?

VICE-CHAIR BREWER – Is that six, or what?

CHAIRPERSON HOWE – Oh, you want to wait till we get to the...you want to speak on the...Item 6?

(**MS. SHELTON** response unintelligible)

VICE-CHAIR BREWER – Mr. Chairman, I thought we were going to probably have a motion to table discussion on that item until next month.

CHAIRPERSON HOWE – We are.

COMMISSIONER HUERTA – Mr. Chairman, I think I'm the one that raised the issue that if we had people here that would speak to it, I'd like to hear their comments and then I would be more than happy to make a motion that we table any action on that. I can do that now, if you'd like, but I would like them the opportunity since they came prepared with comments.

CHAIRPERSON HOWE – Come on up, Mary.

MS. SHELTON – Well I think this draft is the best draft so far. I mean, there's probably little things here and there that need to be fixed, but I don't notice them all. But all this discussion about these officer-involved shootings does make me go back and re-read the duties and responsibilities and powers again because it seems like you have D, E, F, G and I, at least, that all...

COMMISSIONER HUERTA – Mary, are you on the By-Laws or on the Policies?

MS. SHELTON – Oops. I don't know. I'm not even sure.

COMMISSIONER HUERTA – It should be on the first page.

MS. SHELTON – Oh, I got the By-Laws.

COMMISSIONER HUERTA – Okay. Thank you.

MS. SHELTON – I'm sorry. I thought...I was discussing the wrong thing. But anyway, you have all these powers that deal with independent investigation and, like Ms. Beeman and others said, the power to independently investigate and the power to subpoena with 2/3 of the vote will be two things people wouldn't...would not negotiate that on...to the point, that the City Council was finally forced to place those in the ordinance. It's not that they wanted to. It's because the community spoke and they had to...they had to do it. I mean...so they finally decided to choose a model where those things were included and I'm just hoping that...I'm sure...we've had two officer-involved shootings...I mean we've declined investigating both of them. They're not going to...sadly, they're not going to be the last and I'm just wondering if there's going to be more that are not going to be investigated and we're still going to have these things in the By-Laws that are going to say 'Yes, you have the power, the responsibility, to investigate.' I would like to know why, exactly, when you filled out these drafts, why did you even bother to put them in here? I mean, I'm beginning to wonder, personally...I mean, I thought this is what we...we pushed for, but... I mean, here we have a clear case of Item No. D saying that, I mean, sorry...Item No. I, 'cause it used to be D – saying that you're going to review and investigate the death of any individual, and you're not. You're going to do exactly what a committee such as LEPAC, if it had that power, would do. And so...I mean, all the rest of it's fine, but it's like the fundamental, core requirements of this commission... I mean, they're in writing, but they're not being put into practice, and they're being written off as saying, "Well, we need to have a criminal investigation first." Well, what I'm aware of is that anytime you have a shooting, there is immediately two parallel investigations into the shooting. It's not like Internal Affairs waits until the District Attorney makes their decision and then they start investigating. They start right away. They assign case numbers to them both right away. And I can tell you that the District Attorney's investigation is going to last two months. Riverside County's never prosecuted an officer-involved shooting on the job. It's...I don't see it happening this time. So I don't know what the excuses are for delay in such an investigation if you're going to have it in this By-Laws...the city ordinance. They're in the By-Laws. You obviously put it in here for some reason. I'm hoping that it's not just there just to make the community happy and say, "We're going to add it in there." You know, I'd like to see some teeth to this. I mean, it's a difficult thing to do, but it's like, when you filled out your applications on the first day, you knew, or you should've known, that there was a possibility that you were going to have to go down this road. Thank you.

CHAIRPERSON HOWE – Questions? Yeah, go ahead.

COMMISSIONER GARDNER – Just a general comment. I keep hearing criticism that we aren't investigating. We have never said that we are not going to investigate. Specifically, on this latest shooting, we have said we will investigate. We have said that we are going to have our own investigator. The issue is timing, and I can understand why people would like to see that happen more quickly. There are probably people who would like to see it happen more slowly. It is going to happen. On Officer Jacobs, I don't recall that the Commission said that we are never going to take a look at that. We said we were not going to take a specific vote on a given night as to whether we will or we won't. In my mind, that is still an open question - once the criminal proceeding has wound it's way through its course – as to whether we will look at it, not from a criminal perspective. We are not criminal investigators. Our investigators are not criminal investigators. In terms of whether there are policy and procedures recommendations that could or should be made, in terms of whether an officer may have done something contrary to policy, those kinds of things would be in our jurisdiction and those are the kinds of things that we would look at. But please don't tell me that we are not investigating. We are investigating. We just aren't doing it as quickly as some people would like us to.

CHAIRPERSON HOWE – Any other comments? Okay now we'll move on to...

(unintelligible speaking...)

CHAIRPERSON HOWE – Okay. You take the mic?

MS. BEEMAN – I really do appreciate the informality. I mean, I know sometimes it's a little confusing, but I think it really does give people a chance to say what they need to say. And I did come prepared to make some comment about the By-Laws and Procedures, so I appreciate having that opportunity.

First of all, in the By-Laws, Article VI, under 'Authority, Duties... Authority, Powers, and Duties.' That's Page 5 of 12...and I know this language came right out of the policy, but it occurred to me in this reading that...it's sort of listing the kinds of things that the Commission would investigate, you know, use of force, discrimination, sexual harassment, those sorts of things. And something that seems fairly minor, that's not on this list but it really needs to be, and that is discourtesy. And I know you investigate discourtesy, but I think it should be part of this list because one of the things we found when we were doing our research around police review, is discourtesy is the one you want to get, okay? It's the one that happens most frequently and it also...if we can get at the acts of discourtesy, you actually sort of lower the tensions that exist between the community and its Police Department. So, you know, I know you're doing discourtesy. It's just not on this list and I think there are good reasons to go ahead and include it.

In the Policies & Procedures document on Page 4 of 9, Section 7, it talks about receiving and processing of complaints, and Item B under that is 'How to File,' and it says only complaints of sworn police employees misconduct made in writing shall be subject to review of the Commission and that the Executive Director will complete a complaint control form in order to initiate an investigation. Well, in your By-Laws under Section 6, again that's the 'Authority, Powers, and Duties,' Item I says that the Commission will review and investigate the death of any individual arising regardless of whether a complaint has been filed. So I'm concerned...is this where the Executive Director will fill out a complaint form as soon as a shooting occurs? Does there have to be a complaint form? I'm concerned just that that sort of possible conflict might...

And also, I think... One thing I didn't come prepared to say, but given tonight's discussion, something that this Commission...the sub-committee might consider looking at as an addition to the Procedures or the By-Laws, is this question of independent investigation. I think you need to just take the bull by the horns here and say whether or not independent investigations can and will happen as soon as a shooting occurs. I can't... You know, there's so much information out there that you all can get hold of rather than waiting for the I.A. investigation and the D.A.'s investigation. More information is better than less information. You have the money to do independent investigations. Why decline doing it? So, the Policy & Procedures is a place that maybe this commission can take a stand about going ahead and authorizing independent investigations in the case of the...in cases where any individual...the death of any individual is the result of an officer-involved shooting. Let's go ahead and say that you can do it, you know? You have the authority. I don't want to leave it with the Executive Director. He's a member of City staff. This is a decision that resides with the commissioners themselves, and I think you need to open that door for yourself, not only in this particular case, but in future cases. It doesn't happen that often. It's not going to be that expensive. We were assured many, many times by the City Council, by the City Manager, that this commission would have the resources necessary to carry out its job. And an independent investigation to look in to the shooting death of one of our community members - and I think police officers, but that's another question - is well worth going ahead and doing. And I also want to go back to one of the comments Mr. Williams made. This is a precedent-setting case. If you wait until I.A. and the D.A. investigations, you are setting a precedent, and you need to keep that in mind. You guys have the authority to do it. You have been promised the resources to do your work, to do this investigation. We strongly encourage and support you to do an investigation as soon as possible. Thank you.

CHAIRPERSON HOWE – Thank you. Any comments? Responses? Go ahead.

COMMISSIONER EGSON – Mrs. Beeman, should we have...should we have acted post haste on the death of Officer Jacobs, likewise? And what would our ultimate result be if we have...if we use the same resources, the same...the investigation tool...what would we do with that for an officer?

MS. BEEMAN – I think that's a good question. What happens when there is a parallel, independent investigation, is someone can go into that community and find out what the questions are, what the concerns are, for people who, you know, aren't making judgment about the shooting. They aren't saying this guy was entitled to shoot the police officer. I'll give you an example of one question that came up in my mind talking with members of that community and that was whether or not Detective Jacobs was in plain clothes or not. Whether or not he had an opportunity to identify himself as a police officer. That's not to fault him in any way, shape, or form. But it's certainly information that's relevant to learning from that shooting and helping other officers not find themselves in the same position. There could be a tendency within an Internal Affairs investigation to not look really hard at that kind of question, to dismiss it. And it might be a dismissible question. I'm not saying it is particularly relevant. But there are questions that the community has that are worth trying to answer, okay? And I'm not sure that's the goal of an Internal Affairs investigation or a D.A.'s investigation. They're looking at the criminal component to it. They should. Your investigation looks at the community level of it. What kinds of things...police officers responded to that residence many, many times prior to the shooting. What could have happened differently that...the last time that it happened we didn't lose a police officer, you know? I think there is information that the community has that these other types of investigations don't pick up and this commission – I know one of my hopes with the Police Review Commission – was to try and gather some of that important information up and an independent investigation could do that. I also think, you know, the kind of meeting that Commissioner Huerta was recommending, and I think Commissioner Gardner, where you go out into that community and say, "What do you think? What should we be looking for? What should we be paying attention to as the eyes and ears of the community?" That's your role, you know? And I think that kind of informal meeting within a week of that shooting could really help you get a community perspective on that shooting. Instead, you'll have an I.A. perspective and you'll have a D.A. perspective.

COMMISSIONER EGSON – I still have – and it's locked in my mind, so be patient with me – I still see those two as...as one is strictly departmental, especially the death of a police officer. I still see that as a training issue. Talking to the community to see where (?) happened...some people couldn't give a squat that they killed a police officer. That's a badge of honor for some people. I just have two...two closets in my mind that open doors to...to different kinds of subject matter in terms of how people perceive an officer being killed as opposed to...as, you know, seeing a civilian killed. I think the outcry comes much louder from when a police officer shoots a civilian instead of a civilian shooting an officer.

MS. BEEMAN – I know our concerns were always about the police officers and the civilians; the death of anyone...

COMMISSIONER EGSON – I just feel that one takes a higher priority than the other and that's something that I'll have to work out...

CHAIRPERSON HOWE – Okay, we're getting into a debate, so let's move on. Commissioner Huerta, I think you had a comment.

COMMISSIONER HUERTA – Yeah. I would like to move that we table any further action on these By-Laws and Policies & Procedures until our next regularly scheduled meeting for July, and the second part of my motion is that we do allow public comment through July 9th so that would give us plenty of time with the revisions that our Director is going to make to the policies for everyone to actually see them and hopefully come back on July 23rd and take action on it.

CHAIRPERSON HOWE – Is there a second on it?

COMMISSIONER GARDNER – Second.

CHAIRPERSON HOWE – It's been seconded. Any questions? All those in favor, say aye.

EXEC. DIR. WILLIAMS – Uh, Mr. Chairman...

CHAIRPERSON HOWE – Whoops...

EXEC. DIR. WILLIAMS – Mr. Chairman, I'm sorry. I'm asleep at the wheel there... I ask that, given our work level and trying to get stuff...could you give us, say all the...July meeting or the August meeting to come back with it because we've got a lot to do and to come back and redo these things and get them all out and everything... You know, I'd like to have that breather...if we get it by July, fine, but I'd like to have that breathing room to give me a little space there where it's not hard and fast July, but maybe, if need to be, August come back with them.

CHAIRPERSON HOWE – Is that alright? You want to amend that motion?

COMMISSIONER HUERTA – No. I'll withdraw my motion.

CHAIRPERSON HOWE – Is there a new motion?

VICE-CHAIR BREWER – I'll make the same motion with the addition of either July or August, being that this gives the public more time to respond further to us before that time and that, at our regular meeting either in the month of July or the month of August, we finally take a vote on that.

COMMISSIONER GARDNER – I would second that.

CHAIRPERSON HOWE – Second that... any discussion on that?

COMMISSIONER GARDNER – Only that I would urge the Executive Director, if at all possible, to have it ready for the July meeting. That would be a strong preference on my part. We don't have that much left to change unless something comes...something big comes our way.

EXEC. DIR. WILLIAMS – Yeah, that's my preference, too, is July, but you know these days have been very crammed, the last few weeks, and you know, I just would like to have that cushion, if I could get it.

COMMISSIONER HUERTA – The only change that we agreed to make were, kind of, the few that you talked about plus the addition of a...some comment regarding the committee, or the meetings that we have that are specific to review of cases.

CHAIRPERSON HOWE – Okay, ready to vote? All those in favor say aye. That's a weak aye. Let's do it again. All those in favor of the motion to table – hold it – to table the Policies & Procedures to July or August, preferably July, if time permits, say aye. Opposed same sign. One opposed. (Commissioner Huerta opposed.) Okay. Ready for Item No. 7.

COMMISSIONER GARCIA – Before you go on, is the sub-committee going to set a meeting date with those additional changes to...

VICE-CHAIR BREWER – Not at this time, as far as I'm concerned, unless we receive...if the office receives enough in writing from the public that we should consider, then we would set one.

COMMISSIONER GARCIA – Okay.

CHAIRPERSON HOWE – Okay, Item No. 7 - Discuss and vote on the following recommendations to Riverside Police Department Policy and Procedures. The first one is Policy 4.23.E.f rather - Revise

policy to ensure that all calls relating to domestic violence are reported. Should we discuss what brought this up, Mr. Williams, what led to this?

EXEC. DIR. WILLIAMS – Yes sir, just a second, I'm trying to get that stuff now.

CHAIRPERSON HOWE – As I remember, in one of the cases that we reviewed, an officer responded to a case where there was a possible domestic violence - he decided was no domestic violence had taken place. But we thought that in case something came up in the future where there was some domestic violence, that this should have been documented. And all cases...any time you respond to a case of any kind of domestic violence, whether it occurred or not, it should be documented.

EXEC. DIR. WILLIAMS – Yeah, my recollection is that the Commission felt that the policy wasn't clear enough and they just needed to remove any doubt from the officer's mind regarding whether or not D.V. calls should be documented. And that's basically what we're saying here, "Let's remove any doubt from the officer's mind. Let's make it crystal clear."

COMMISSIONER EGSON – Mr. Williams, I think that is a good thing for the public to hear is because...is that the domestic violence are reported to get some kind of documentation at a particular area, or a particular household. You can start building, you know, getting a better understanding in terms of officer safety too, if you keep getting these type of reports at these type of homes, that they are in fact documented as a domestic call, because so many officers are killed at domestic violence calls. And not to document it as a domestic violence is not helping the officer nor the people. So...I'm just making that statement so the public can hear that we are making those kind of recommendations to alleviate and to possibly eliminate hazards for officers who respond to calls.

CHAIRPERSON HOWE – Any other comments on this section? Go ahead. Gloria?

COMMISSIONER HUERTA – I move that we accept this recommendation.

VICE-CHAIR BREWER – I second.

CHAIRPERSON HOWE – Okay. Call for the question...vote... All those in favor say aye. Opposed same sign. Carried. Number 2 - Policy 6.3.E / 6.3.C - Eliminate the conflict between these two policies with regard to when or if non-injury traffic accidents should be investigated.

EXEC. DIR. WILLIAMS – Alright. This is actually a three-pointer. This is the traffic accident policy and we...in investigating this particular case there was discovered to be a conflict within the policy itself regarding when a non-injury accident should be investigated. In one section it says you don't do them and the other section says you don't do them unless certain things occur and we thought they needed to pick one or the other, but not have both. It's just...these things need to be cleaned up.

The other portion of it was, we thought that it was...we think that...this policy's probably dated before the advent of computers and this type of thing where you had to fight for air time to get a records check or a drivers license check or something like that. We think with today's modern technology, we think you can sit there and it's not unreasonable to ask officers to run DMV or DL checks and insurance checks on the people involved in the accident to make sure they do have a current drivers license, no wants or warrants and, to the extent possible, ascertain whether insurance is valid.
(Policy 6.3 - Modify policy so that officers are required to run a drivers license check and, as much as is practical, a valid insurance check on the parties involved as part of the protocol.)

And then, of course, the last...we've received a number of complaints, as you're aware of, regarding the policy about not conducting investigations for minor accidents, non-injury accidents. And so the third recommendation to this is to develop some sort of a card, pamphlet, something that you can hand to a motorist, officers can hand to a motorist explaining the policy, what they should do and this

type of thing. We think that'll eliminate a lot of confusion and eliminate a lot of complaints and make for better public, community public relations. **(Riverside Police Department should develop cards or pamphlets that officers can give to citizens involved in non-reportable accidents explaining Riverside Police Department policy with regard to non-reportable accidents.)**

CHAIRPERSON HOWE – ...a complete lack of communication between the officers to the people involved in these accidents in certain situations.

EXEC. DIR. WILLIAMS – Exactly. And I think this pamphlet would go a long way to helping them, you know, alleviate some of that tension maybe.

CHAIRPERSON HOWE – Should we just go ahead and take this on a block vote?

VICE-CHAIR BREWER – Yeah. I so move that we accept these recommendations as so stated.

COMMISSIONER EGSON – I second.

CHAIRPERSON HOWE – Question? All those in favor say aye. Opposed same sign. Carried. (Unanimous)

Okay, now we're going to move to the closed session for case reviews. We'll take a five-minute recess and reconvene at ten minutes to eight.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commissioners and Executive Director adjourned at 7:45 p.m. to Closed Session to discuss the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
01-035	PC-01-068-233
01-039	PC-01-079-027
01-042	PC-01-079-311
01-050	PC-01-095-096
01-053	PC-01-103-131
01-056	PC-01-108-262

The Commission adjourned at 9:30 p.m.

Respectfully submitted,

PHOEBE SHERRON
Administrative Clerk